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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Advanced Television Systems) MM Docket No. 87-268
and Their Impact Upon the)
Existing Television Broadcast)
Service)

REPLY COMMENTS OF PULITZER BROADCASTING COMPANY

Pulitzer Broadcasting Company ("Pulitzer"), by its attorneys, hereby submits reply comments in response to the Sixth Further Notice of Proposed Rule Making ("Further Notice")^{1/} in the above-captioned proceeding.^{2/} Pulitzer was a signatory to the joint "Broadcasters' Comments on the Sixth Notice of Proposed Rulemaking" ("Broadcaster Comments") and endorsed the general allotment/assignment methodology advocated in the Broadcaster Comments, but did not endorse the specific channel assignments in the Modified DTV Table submitted as an appendix to the Broadcaster Comments.

The comments of broadcasters collectively and individually, as well as the comments of their consulting engineers, provide ample justification for significant revisions to the Commission's proposed DTV Table and a cautious approach to the implementation of DTV channel assignments pursuant to a final DTV Table. The most fundamental, and

1/ Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, FCC 96-317, released August 14, 1996 (Sixth Further Notice of Proposed Rule Making in MM Docket No. 87-268) ["Further Notice"].

2/ Pulitzer and its stations have participated in previous phases of this proceeding either as signatories to joint broadcaster submissions, or through the filing of separate comments.

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necessary change in the proposed DTV Table is the use of all spectrum currently allocated to the television broadcasting service for transitional DTV channels.^{3/} The Broadcaster Comments demonstrate that the public interest would be enhanced greatly -- both in terms of broadcast television service and future spectrum auction revenues -- by recovering spectrum at the end of the DTV transition rather than grabbing piecemeal fragments before a DTV Table is adopted.

The proposal to subtract spectrum at both the top and the bottom of the current television bands is fraught with inefficiencies and infirmities for three important aspects of the DTV transition: (1) implementation of DTV technology; (2) effective use and sharing of the spectrum by potentially incompatible services; and (3) recovery of spectrum for auction. Pulitzer encourages the Commission to postpone the recovery of spectrum until the transition is complete when, if necessary, the television band can be repacked in a fair and even-handed manner without the degradation of DTV broadcasting service to the public.

Because DTV transmission technology is in its infancy, there are many technical factors, including DTV transmission power levels, DTV-to-DTV adjacent-channel interference standards, and DTV-to-NTSC interference standards, that cannot be stipulated precisely to the satisfaction of every party in advance of real-world implementation experience. This uncertainty, however, should not deter the Commission from moving forward with the adoption of a DTV Table expeditiously. In adopting an initial DTV Table

^{3/} If the Commission decides to adopt a core spectrum approach, Pulitzer recommends that the core spectrum be modified to include all of the current VHF channels (Channels 2-13) for transitional and permanent DTV use. See Pulitzer Comments at p. 4-5. The significant public interest benefits of utilizing intermixed VHF and UHF channel assignments has been recognized by the Commission. See Further Notice at ¶ 19.

with these known uncertainties, the risks should be addressed by incorporating flexible policies. At stake is not only the technical quality of future broadcast DTV service to the public, but the technical quality of the public's current free and universal NTSC television service.

Accordingly, Pulitzer supports the proposal of the Association of Federal Communications Consulting Engineers ("AFCCE") that DTV transmission power levels be limited during the initial implementation period, while data on the relationship between transmission power, propagation, and interference are carefully analyzed by the industry and the FCC staff.^{4/} The final DTV transmission power authorizations in the DTV Table should be determined by such real-world information. Moreover, the proposal to permit stations to select their permanent DTV channel assignments from either the current NTSC channel assignment or the transitional DTV assignment at the end of the transition would provide another important and necessary element of flexibility to ensure a successful transition. In addition, it is likely that changes to the initial channel assignments or operating parameters specified in the final DTV Table will be necessary and desirable. Many of these changes may require complex and costly engineering analysis to ensure that alteration of one station's operating parameters do not involve adverse impacts on other stations. The Commission should adopt a mechanism that permits changes to be made, if necessary, and with minimal engineering expenses for stations and the FCC.

On January 10, 1997, the Broadcasters Caucus filed a "Petition for Further Notice of Proposed Rulemaking" that proposed a coordination process similar to the concept

^{4/} Comments of AFCCE filed Nov. 22, 1996, in MM Docket No. 87-268.

of private land mobile radio frequency coordinating committees. This proposal has merit, and Pulitzer supports the concept. A frequency coordination approach would not only reduce the engineering costs of "fine-tuning" the final DTV Table after it is adopted, but would permit a streamlined approach to enhancing the initial channel assignments made to stations. Such an approach may be amenable to a decentralized system of "coordination regions" with minimum interaction. However, the ultimate effectiveness of the coordination approach would depend wholly on the basic attributes of the baseline DTV Table and the degree of flexibility afforded broadcasters to make post-adoption changes to the baseline DTV Table under the rules. Pulitzer advocates maximum flexibility for revision of the baseline DTV Table under a frequency coordination approach, including the negotiated agreements between stations for modification (increased power or antenna height) or the substitution of alternative DTV channels assigned in the baseline DTV Table.

A troubling uncertainty is the extent to which the outcomes under either the Broadcasters' Caucus or the FCC's allotment assignment software are optimal, and whether these outcomes are based on neutral and impartial assumptions and methods. In both cases, the software has not been made available to the public, so it is impossible for most broadcasters to conduct meaningful independent analyses of the allotment/assignment alternatives. Pulitzer urges the Commission to make its software program available to the public to ensure the most complete and meaningful participation in the rulemaking process.^{5/} Only when this step has been taken, can broadcasters have complete confidence that the

^{5/} If there are software licensing restrictions or expenses involved, these factors should be disclosed to the public. If necessary, a software license should be made available to any interested party for a fee.

initial DTV table of allotments/assignments is suitable for final adoption, and thereby suitable as a baseline for a non-governmental frequency coordination mechanism.

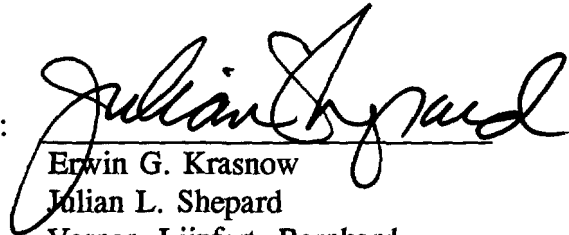
CONCLUSION

Pulitzer does not support the adoption of either the FCC's proposed DTV Table or the industry's Modified Table in their present form. However, Pulitzer supports the recommendations for revision and improvement of the proposed DTV table contained in the Broadcaster Comments and encourages the Commission to adopt proposals in the Further Notice that embrace flexibility to make pre-adoption and post-adoption changes to the DTV table. Pulitzer strenuously opposes the "core spectrum" proposal, opposes the premature adoption of any DTV table, and advocates principles of fairness as set forth in Pulitzer's comments regarding the granting of pending NTSC modification applications.

Respectfully submitted,

PULITZER BROADCASTING COMPANY

By:

A handwritten signature in dark ink, appearing to read "Julian L. Shepard", is written over a horizontal line.

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